

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT PETITION FOR ARBITRATION OF)	
NEWSOUTH COMMUNICATIONS CORP.,)	CASE NO.
NUVOX COMMUNICATIONS, INC., KMC)	2004-00044
TELECOM V, INC., KMC TELECOM III LLC,)	
AND XSPEDIUS COMMUNICATIONS, LLC ON)	
BEHALF OF ITS OPERATING SUBSIDIARIES)	
XSPEDIUS MANAGEMENT CO. SWITCHED)	
SERVICES, LLC, XSPEDIUS MANAGEMENT)	
CO. OF LEXINGTON, LLC, AND XSPEDIUS)	
MANAGEMENT CO. OF LOUISVILLE, LLC)	

O R D E R

On July 16, 2004, NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and Xspedius Communications, LLC on behalf of Xspedius Management Co. and Switched Services, LLC (“Joint Petitioners”), and BellSouth Telecommunications, Inc. (“BellSouth”) filed a joint motion to hold this proceeding in abeyance for a period of 90 days. Joint Petitioners and BellSouth assert that they continue to negotiate resolution of disputed issues as well as consideration of “the post USTA II regulatory framework.”¹ The parties have agreed that they will continue operating under their current interconnection agreements until they are able to negotiate or arbitrate new agreements in the course of this proceeding. The parties also propose a procedural schedule. A public hearing may be scheduled at a later time.

¹ Joint Petition at 2.

The Commission, having considered the joint motion and having been otherwise sufficiently advised, HEREBY ORDERS that:

1. The joint motion of Joint Petitioners and BellSouth to hold this proceeding in abeyance for a period of 90 days is hereby granted.

2. By no later than October 15, 2004, the parties shall submit their revised issues matrix.

3. By no later than November 19, 2004, parties shall submit their direct testimony.

4. By no later than December 17, 2004, parties shall submit their reply testimony.

Done at Frankfort, Kentucky, this 23rd day of July, 2004.

By the Commission

ATTEST:



Executive Director